IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1534 OF 2004

Shri.Ahmedsaheb Abasaheb sanadi ... Petitioner
V/s
State of Maharashtra & Anr. ... Respondents

Mr.R.M.Monin for the Petitioners.

Ms.A.S.Pai, APP for the Respondents.

CORAM: H.L.GOKHALE &
S.RADHAKRISHNAN, JJ.
DATE : 31.8.2004.

P.C.:

1. Heard Mr.Momin for the Petitioner and Ms.Pai, APP for the Respondents. Petitioner is running a Hotel with Beer Bar at Miraj, District Sangali. He also had a performing licence (Public Entertainment Licece) but it was noticed that under the garb of that licence prostitution was being conducted and that Public Entertainment Licence has therefore been revoked by the order passed by Sub-Divisional Magistrate, Miraj. An appeal was filed to the Government, which also came to be dismissed by the Government by an order passed on 29th June, 2004. Hence this petition.

2. Mr.Momin, the learned Counsel for the petitioner drew our attention to the rules governing such licence and particularly Rule 28 thereof. This Rule provides that if any such activity of prostitution is detected, the power to take necessary action is bestowed upon the Judicial Magistrate of the District. He submits that the Sub-Divisional Magistrate could not have passed the order. He also points out that the proceedings are

pending before the Magistrate with respect to the

complaint which has been lodged against the petitioner.

3. Mrs.Pai, the learned APP has drawn our attention to Section 162(2) of the Bombay Police Act which is the parent Act, whereunder necessary rules have been framed and then these licences are issued. First part of this section 162(2) gives power to the Competent Authority to revoke such a licence if any of its conditions are found to be infringed. In the facts of the present case, undoubtedly there is factual material on record with respect to the activities which were being conducted in the said hotel. That being so, the authorities concerned were fully within their power to take necessary action. There is no error in the order passed by the Sub-Divisional Magistrate or the Government. Petition stands dismissed.

4. We make it clear that as far as Eating House & Beer Bar is concerned, there is no restriction, nor is the licence thereof cancelled. This is stated by the learned A.P.P. on the instructions of Shri.Prakash Mutane, PSI of Miraj Police Station, District Sangli, who is present in Court.

(H.L.GOKHALE,J.)

(S.RADHAKRISHNAN,J.)